

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

June 10, 2008

Elisabeth A. Shumaker  
Clerk of Court

ALAN NOWLIN,

Petitioner - Appellant,

v.

GREG PROVENCE, Warden,

Respondent - Appellee.

No. 08-7044  
(D.C. No. 6:04-CV-00228-RAW-KEW)

ORDER

Before **BRISCOE, O'BRIEN**, and **HOLMES**, Circuit Judges.

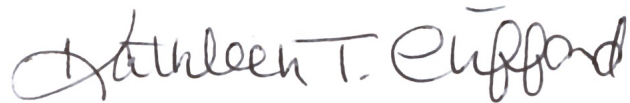
Alan Nowlin, proceeding *pro se*, appeals the district court's order adopting the magistrate judge's report and recommendation and dismissing his 28 U.S.C. § 2254 habeas petition. Final judgment was entered by the district court on September 17, 2007.

*Pro se* appellants must comply with the requirements of the Federal Rules of Appellate Procedure that govern all litigants. *See Ogden v. San Juan County*, 32 F.3d 452, 455 (10th Cir. 1994). The thirty-day deadline under Fed. R. App. P. 4(a)(1)(A) for the filing of a timely notice of appeal in this case expired on October 17, 2007. Petitioner's notice of appeal was filed on May 5, 2008, which was 201 days past the thirty-day filing deadline. *See* Fed. R. App. P. 4(a)(6) [Reopening the Time to File an Appeal].

Compliance with filing requirements is “mandatory and jurisdictional.” *Bowles v. Russell*, 127 S.Ct. 2360, 2363 (2007). Petitioner’s notice of appeal is untimely.

This appeal is **DISMISSED** for lack of appellate jurisdiction.

Entered for the Court,  
Elisabeth A. Shumaker, Clerk

A handwritten signature in dark ink, reading "Kathleen T. Clifford". The signature is written in a cursive, flowing style with a large initial 'K'.

Kathleen T. Clifford  
Attorney - Deputy Clerk